



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER OF PATENTS AND TRADEMARKS
 Washington, D.C. 20231
www.uspto.gov

MAR 26 2002

OIPE

Application Number	Filing Date	First Named Applicant	Atty. Docket No.
09/939,386	08/24/2001	Mehansho, Haile	8271

27752
 THE PROCTER & GAMBLE COMPANY
 PATENT DIVISION
 IVORYDALE TECHNICAL CENTER - BOX 474
 5299 SPRING GROVE AVENUE
 CINCINNATI OH 45217

Title: Beverage compositions comprising arabinogalactan and defined minerals

Date Mailed:03/18/2002

Request for Substitute Papers

The papers filed on 02/04/02 (certificate of mailing dated 11/28/01) are no longer in condition to become part of the permanent records of the United States Patent and Trademark Office (USPTO) for this application (37 CFR 1.52(a)) due to the United States Postal Service sanitization process.

The USPTO requests that applicant provide a copy of the above-identified papers (except for any U.S. or foreign patent documents submitted with the above-identified papers) with a statement that such copy is a complete and accurate copy of the above-identified papers (signing and returning a copy of this notice will provide such a statement). The reply to this letter should be submitted to the USPTO by facsimile at the number indicated 703-746-4060(OIPE).

Alternatively, the reply to this letter may be hand-carried to the Customer Service Window located in Room 1B03 of Crystal Plaza Building 2, Arlington, Virginia, 22202.

The USPTO strongly prefers that the reply to this letter be submitted by facsimile. However, if applicant cannot submit the reply to this letter by facsimile (or hand-delivery), the reply may be mailed to: Box Duplicate OIPE, U.S. Patent and Trademark Office, P.O. Box 2327, Arlington, VA 22202-2327.

This letter is not a notice under 37 CFR 1.251. However, failure to timely replay to this notice within two (2) weeks of the date of receipt of this letter may result in the USPTO issuing a notice under 37 CFR 1.251. A copy of this notice should be included with the reply.

The enclosed papers are a complete and accurate copy of the above-identified papers.		Atty/CSEU Contact: <u>SR/TS</u>	
Name: <u>Erich D. Hemm</u>	Registration No.: <u>47,286</u>	DATE REC'D	<u>MAR 21 2002</u>
Signature: <u>Erich D. Hemm</u>	Date: <u>March 26, 2002</u>	<input type="checkbox"/> FAX	<input checked="" type="checkbox"/> MAIL



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

MAR 26 2002
OPIE

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/939,386	08/24/2001	Haile Mehansho	8271

CONFIRMATION NO. 3459

27752
THE PROCTER & GAMBLE COMPANY
PATENT DIVISION
MORYDALE TECHNICAL CENTER - BOX 474 COPY OF PAPERS
5299 SPRING GROVE AVENUE
CINCINNATI, OH 45217
ORIGINALLY FILED
02/04/02

FORMALITIES LETTER



OC000000006814444

Date Mailed: 09/28/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

*A copy of this notice **MUST** be returned with the reply.*

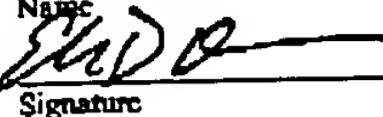
R. Lucas
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART I - ATTORNEY/APPLICANT COPY

Certificate of Facsimile Transmission

I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office on the date shown below:

Erich D. Hemm 47,286
 Name Reg. No.

March 26, 2002
 Signature Date

MAR 26 2002

P&G Case 8271

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of

HAILE (NMN) MEHANSHO, et al.

Serial No. 09/939,386

: Group Art Unit: 1761

Confirmation No. 3459

: Examiner: Not Yet Assigned

Filed: August 24, 2001

For BEVERAGE COMPOSITIONS COMPRISING ARABINOGALACTAN AND DEFINED
MINERALSRESPONSE TO REQUEST FOR SUBSTITUTE PAPERS

On November 28, 2001 Applicants' submitted a complete and timely Response to a Notice to File Missing Parts. On March 21, 2002 Applicants received a Request for Substitute Papers, stating that though received, the above-identified papers were no longer in condition to become part of the permanent records of the United States Patent and Trademark Office (37 CFR 1.52(a)) for the above-referenced application due to the United States Postal Service mail sanitation process. Applicants hereby submit copies of the above-identified papers as requested. The enclosed papers are a complete and accurate copy of the above-identified papers.

Respectfully submitted,

By


 Erich D. Hemm
 Attorney for Applicants
 Registration No. 47,286
 (513) 634-2084

Date: March 26, 2002

Customer No. 27752

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on November 28, 2001

Kelly L. McDowell-Dunham 43,787
Name of Attorney or Agent Registration No.
Kelly L. McDowell-Dunham
Signature of Attorney or Agent

COPY OF PAPERS
ORIGINALLY FILED
02/04/02

P&G Case 8271

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of

HAILE (NMN) MEHANSHO, et al.

Serial No. 09/939,386

: Group Art Unit: 1761

Confirmation No. 3459

: Examiner: Not Yet Assigned

Filed: August 24, 2001

For BEVERAGE COMPOSITIONS COMPRISING ARABINOGLACTAN AND DEFINED
MINERALS

OPIE
MAR 26 2002COMPLETION OF FILING REQUIREMENTS

Box Missing Parts
Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This replies to the Notice to File Missing Parts of Application (PTO-1533) mailed September 28, 2001. A copy of the Notice to File Missing Parts of Application-Filing Date Granted (Form PTO-1533) is enclosed.

No declaration or oath was filed. Enclosed is the original declaration or oath for this application.

The declaration or oath that was filed was determined to be defective. A new original oath or declaration is attached.

The Provisional Application for Patent Cover Sheet (PTO/SB/16) that was filed was determined to be defective. A new cover sheet is attached.

This replies to the Notice to File Corrected Application Papers mailed _____. A copy of the Notice to File Corrected Application Papers is enclosed. To complete the informalities noted on the Notice to File Corrected Application Papers, applicant submits herewith:

New drawings complying with the size requirements (in compliance with 37 CFR §1.84);

Drawings of sufficient quality to readily use the patent application publication as a prior art document;

Specification of sufficient quality for optical character recognition (OCR) conversion of image to text;

Title and/or Abstract in compliance with 37 C.F.R. §1.72;

Sequence listings in compliance with 37 C.F.R. §1.821 *et seq.*

Other (please specify). _____.
1

The Commissioner is hereby authorized to charge payment of the surcharge set forth in 37 CFR §1.16(e) to Deposit Account No. 16-2480. The Commissioner is also hereby authorized to charge payment of any patent application processing fees under 37 C.F.R. §§1.16 and 1.17 associated with this communication or credit any over-payment to Deposit Account No. 16-2480. A duplicate copy of this sheet is attached.

The Commissioner is also hereby petitioned under 37 C.F.R. 1.136(a) to grant any extension of time needed for timely response to the Notice to File Missing Parts to preserve the pendency of the above-identified application. The processing fee under 37 C.F.R. §1.136(a) is as follows:

- \$110.00 for one-month extension of time;
- \$390.00 for two-month extension of time;
- \$890.00 for three-month extension of time.

The Commissioner is hereby authorized to make any additional copies of this sheet needed to accomplish the purposes provided for herein and to charge any fee for such copies to Deposit Account No. 16-2480.

Respectfully submitted,

By Kelly L. McDow-Dunham
Kelly L. McDow-Dunham
Attorney for Applicants
Registration No. 43,787
(513) 634-0102

Date: November 28, 2001

Customer No. 27752

FEE TRANSMITTAL for FY 2002		Complete if Known	
Patent fees are subject to annual revision.		Application Number	09/939,386
		Confirmation Number	3459
		Filing Date	August 24, 2001
		First Named Inventor	Halle (NMN) Mehansho
		Examiner Name	Not Yet Assigned
		Group/Art Unit	1761
TOTAL AMOUNT OF PAYMENT (\$)		Attorney Docket No. 8271	
130.00			

METHOD OF PAYMENT (check one)		FEE CALCULATION (continued)																																																																																																																													
1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to: Deposit Account Number 16-2480 Deposit Account Name The Procter & Gamble Company <input checked="" type="checkbox"/> Charge Any Additional Fee Required Under status. 37 C.F.R. §§1.16 and 1.17		3. ADDITIONAL FEES <table border="1"> <tr> <th>Code</th> <th>(\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> <tr> <td>105</td> <td>130</td> <td>Surcharge-late filing fee or oath</td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>127</td> <td>50</td> <td>Surcharge-late provisional filing fee or cover sheet</td> <td><input type="checkbox"/></td> </tr> <tr> <td>139</td> <td>130</td> <td>Non-English specification</td> <td><input type="checkbox"/></td> </tr> <tr> <td>147</td> <td>2,520</td> <td>For filing a request for ex parte reexamination</td> <td><input type="checkbox"/></td> </tr> <tr> <td>112</td> <td>920*</td> <td>Requesting publication of SIR prior to Examiner's action</td> <td><input type="checkbox"/></td> </tr> <tr> <td>113</td> <td>1,840*</td> <td>Requesting publication of SIR after Examiner's action</td> <td><input type="checkbox"/></td> </tr> <tr> <td>115</td> <td>110</td> <td>Extension for reply within 1st month</td> <td><input type="checkbox"/></td> </tr> <tr> <td>116</td> <td>400</td> <td>Extension for reply within 2nd month</td> <td><input type="checkbox"/></td> </tr> <tr> <td>117</td> <td>920</td> <td>Extension for reply within 3rd month</td> <td><input type="checkbox"/></td> </tr> <tr> <td>118</td> <td>1,440</td> <td>Extension for reply within 4th month</td> <td><input type="checkbox"/></td> </tr> <tr> <td>128</td> <td>1,960</td> <td>Extension for reply within 5th month</td> <td><input type="checkbox"/></td> </tr> <tr> <td>119</td> <td>320</td> <td>Notice of Appeal</td> <td><input type="checkbox"/></td> </tr> <tr> <td>120</td> <td>320</td> <td>Filing a brief in support of an appeal</td> <td><input type="checkbox"/></td> </tr> <tr> <td>121</td> <td>280</td> <td>Request for oral hearing</td> <td><input type="checkbox"/></td> </tr> <tr> <td>138</td> <td>1,510</td> <td>Petition to institute a public use proceeding</td> <td><input type="checkbox"/></td> </tr> <tr> <td>140</td> <td>110</td> <td>Petition to revive - unavoidable</td> <td><input type="checkbox"/></td> </tr> <tr> <td>141</td> <td>1,280</td> <td>Petition to revive - unintentional</td> <td><input type="checkbox"/></td> </tr> <tr> <td>142</td> <td>1,280</td> <td>Utility issue fee (or reissue)</td> <td><input type="checkbox"/></td> </tr> <tr> <td>143</td> <td>460</td> <td>Design issue fee</td> <td><input type="checkbox"/></td> </tr> <tr> <td>122</td> <td>130</td> <td>Petitions to the Commissioner</td> <td><input type="checkbox"/></td> </tr> <tr> <td>123</td> <td>50</td> <td>Petitions related to provisional applications</td> <td><input type="checkbox"/></td> </tr> <tr> <td>126</td> <td>180</td> <td>Submission of Information Disclosure Statement</td> <td><input type="checkbox"/></td> </tr> <tr> <td>146</td> <td>740</td> <td>Filing a submission after final rejection (37 CFR § 1.129(a))</td> <td><input type="checkbox"/></td> </tr> <tr> <td>149</td> <td>740</td> <td>For each additional invention to be examined (37 CFR § 1.129(b))</td> <td><input type="checkbox"/></td> </tr> <tr> <td>179</td> <td>740</td> <td>Request for Continued Examination (RCE)</td> <td><input type="checkbox"/></td> </tr> <tr> <td>169</td> <td>900</td> <td>Request for expedited examination of a design application</td> <td><input type="checkbox"/></td> </tr> <tr> <td>091</td> <td>1280</td> <td>Acceptance of unintentionally delayed claim for priority under 35 U.S.C. 119, 120, 121, or 365 (a) or (c)</td> <td><input type="checkbox"/></td> </tr> <tr> <td colspan="4">Other fee (specify) _____</td> </tr> <tr> <td colspan="4">Other fee (specify) _____</td> </tr> <tr> <td colspan="2">SUBTOTAL (2) (\$)</td> <td>Reduced by Basic Filing Fee Paid</td> <td>SUBTOTAL(3) (\$) [130]</td> </tr> </table>		Code	(\$)	Fee Description	Fee Paid	105	130	Surcharge-late filing fee or oath	<input checked="" type="checkbox"/>	127	50	Surcharge-late provisional filing fee or cover sheet	<input type="checkbox"/>	139	130	Non-English specification	<input type="checkbox"/>	147	2,520	For filing a request for ex parte reexamination	<input type="checkbox"/>	112	920*	Requesting publication of SIR prior to Examiner's action	<input type="checkbox"/>	113	1,840*	Requesting publication of SIR after Examiner's action	<input type="checkbox"/>	115	110	Extension for reply within 1 st month	<input type="checkbox"/>	116	400	Extension for reply within 2 nd month	<input type="checkbox"/>	117	920	Extension for reply within 3 rd month	<input type="checkbox"/>	118	1,440	Extension for reply within 4 th month	<input type="checkbox"/>	128	1,960	Extension for reply within 5 th month	<input type="checkbox"/>	119	320	Notice of Appeal	<input type="checkbox"/>	120	320	Filing a brief in support of an appeal	<input type="checkbox"/>	121	280	Request for oral hearing	<input type="checkbox"/>	138	1,510	Petition to institute a public use proceeding	<input type="checkbox"/>	140	110	Petition to revive - unavoidable	<input type="checkbox"/>	141	1,280	Petition to revive - unintentional	<input type="checkbox"/>	142	1,280	Utility issue fee (or reissue)	<input type="checkbox"/>	143	460	Design issue fee	<input type="checkbox"/>	122	130	Petitions to the Commissioner	<input type="checkbox"/>	123	50	Petitions related to provisional applications	<input type="checkbox"/>	126	180	Submission of Information Disclosure Statement	<input type="checkbox"/>	146	740	Filing a submission after final rejection (37 CFR § 1.129(a))	<input type="checkbox"/>	149	740	For each additional invention to be examined (37 CFR § 1.129(b))	<input type="checkbox"/>	179	740	Request for Continued Examination (RCE)	<input type="checkbox"/>	169	900	Request for expedited examination of a design application	<input type="checkbox"/>	091	1280	Acceptance of unintentionally delayed claim for priority under 35 U.S.C. 119, 120, 121, or 365 (a) or (c)	<input type="checkbox"/>	Other fee (specify) _____				Other fee (specify) _____				SUBTOTAL (2) (\$)		Reduced by Basic Filing Fee Paid	SUBTOTAL(3) (\$) [130]
Code	(\$)	Fee Description	Fee Paid																																																																																																																												
105	130	Surcharge-late filing fee or oath	<input checked="" type="checkbox"/>																																																																																																																												
127	50	Surcharge-late provisional filing fee or cover sheet	<input type="checkbox"/>																																																																																																																												
139	130	Non-English specification	<input type="checkbox"/>																																																																																																																												
147	2,520	For filing a request for ex parte reexamination	<input type="checkbox"/>																																																																																																																												
112	920*	Requesting publication of SIR prior to Examiner's action	<input type="checkbox"/>																																																																																																																												
113	1,840*	Requesting publication of SIR after Examiner's action	<input type="checkbox"/>																																																																																																																												
115	110	Extension for reply within 1 st month	<input type="checkbox"/>																																																																																																																												
116	400	Extension for reply within 2 nd month	<input type="checkbox"/>																																																																																																																												
117	920	Extension for reply within 3 rd month	<input type="checkbox"/>																																																																																																																												
118	1,440	Extension for reply within 4 th month	<input type="checkbox"/>																																																																																																																												
128	1,960	Extension for reply within 5 th month	<input type="checkbox"/>																																																																																																																												
119	320	Notice of Appeal	<input type="checkbox"/>																																																																																																																												
120	320	Filing a brief in support of an appeal	<input type="checkbox"/>																																																																																																																												
121	280	Request for oral hearing	<input type="checkbox"/>																																																																																																																												
138	1,510	Petition to institute a public use proceeding	<input type="checkbox"/>																																																																																																																												
140	110	Petition to revive - unavoidable	<input type="checkbox"/>																																																																																																																												
141	1,280	Petition to revive - unintentional	<input type="checkbox"/>																																																																																																																												
142	1,280	Utility issue fee (or reissue)	<input type="checkbox"/>																																																																																																																												
143	460	Design issue fee	<input type="checkbox"/>																																																																																																																												
122	130	Petitions to the Commissioner	<input type="checkbox"/>																																																																																																																												
123	50	Petitions related to provisional applications	<input type="checkbox"/>																																																																																																																												
126	180	Submission of Information Disclosure Statement	<input type="checkbox"/>																																																																																																																												
146	740	Filing a submission after final rejection (37 CFR § 1.129(a))	<input type="checkbox"/>																																																																																																																												
149	740	For each additional invention to be examined (37 CFR § 1.129(b))	<input type="checkbox"/>																																																																																																																												
179	740	Request for Continued Examination (RCE)	<input type="checkbox"/>																																																																																																																												
169	900	Request for expedited examination of a design application	<input type="checkbox"/>																																																																																																																												
091	1280	Acceptance of unintentionally delayed claim for priority under 35 U.S.C. 119, 120, 121, or 365 (a) or (c)	<input type="checkbox"/>																																																																																																																												
Other fee (specify) _____																																																																																																																															
Other fee (specify) _____																																																																																																																															
SUBTOTAL (2) (\$)		Reduced by Basic Filing Fee Paid	SUBTOTAL(3) (\$) [130]																																																																																																																												

SUBMITTED BY			Complete (if applicable)	
Name (Print/Type)	Kelly L. McDow-Dunham		Registration No. (Attorney/Agent)	43,787
Signature	<i>Kelly L. McDow-Dunham</i>		Telephone	(513) 634-0102
			Date	November 28, 2001

WARNING: Information on this form may become public. Credit Card information should not be included on this form. Provide credit card information and authorization on PTO-2038.
 Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, D.C. 20231.

04/10

Procter & Gamble

Jennifer L. Schmidt
Intellectual Property Division
Global Food & Beverage

The Procter & Gamble Company
Winton Hill Technical Center
6071 Center Hill Avenue
Cincinnati, OH 45224

Phone: (513) 634-5709
Fax: (513) 634-3752
e-mail: schmidt.jl.1@pg.com

OIPE
MAR 26 2002

FACSIMILE TRANSMITTAL SHEET

TO: BOX DUPLICATE OIPE

COMPANY: UNITED STATES PATENT & TRADEMARK OFFICE

FAX NUMBER: (703) 746-4060

PHONE NUMBER: (703) 308-1202

FROM: JENNIFER L. SCHMIDT

PHONE NUMBER: (513) 634-5709

TOTAL NO. OF PAGES INCLUDING
COVER: 11

DATE: 26-MAR-02

RE: REQUEST FOR SUBSTITUTE
PAPERS

CC:

COPY OF PAPERS
ORIGINALLY FILED
02/26/2002

IMPORTANT CONFIDENTIALITY NOTICE

The documents accompanying this telecopy transmission contain confidential information belonging to the sender which is legally protected. The information is intended only for the use of the individual entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited. If you have received this telecopy in error, please immediately notify us by telephone (collect) to arrange for return of the telecopied documents to us.

NOTES/COMMENTS:

In the Application of:
HAILE (NMN) MEHANSHO, et al.
Serial No. 09/939,386
Confirmation No. 3459
Filed: August 24, 2001
Group Art Unit: 1761
P&G Case: 8271